

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**ASHLEY BROCK FARMER**

**PLAINTIFF**

**V.**

**NO. 4:22-CV-11-DMB-JMV**

**GREENWOOD TOURISM  
COMMISSION, d/b/a Greenwood  
Convention and Visitors Bureau;  
and CITY OF GREENWOOD,  
MISSISSIPPI**

**DEFENDANTS**

**ORDER**

On May 5, 2022, Ashley Brock Farmer, with leave of the Court,<sup>1</sup> filed a second amended complaint against Greenwood Tourism Commission and City of Greenwood, Mississippi, alleging claims of race discrimination arising from her employment. Doc. #30. After answering the second amended complaint,<sup>2</sup> the City filed a motion for judgment on the pleadings, asserting that it is not the proper defendant, it “would not be considered ... Farmer’s employer” under Title VII, and Farmer “failed to adequately plead municipal liability ... under § 1983.” Doc. #40. Again with leave of the Court,<sup>3</sup> Farmer filed a third amended complaint against the same defendants on September 16, 2022. Doc. #77.

As a general rule, “[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Because the third amended complaint does not incorporate the earlier pleadings and because the City has filed

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<sup>1</sup> Doc. #29.

<sup>2</sup> Doc. #38.

<sup>3</sup> Doc. #76.

a motion for judgment on the pleadings specifically addressing the third amended complaint, the motion for judgment on the pleadings addressing the second amended complaint [40] is **DENIED as moot.**

**SO ORDERED**, this 18th day of November, 2022.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**